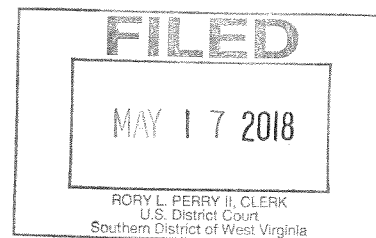


UNITED STATES DISTRICT COURT

for the
Southern District of West Virginia



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 5:18-mj-00030

210 Elkins St. Beckley, WV 25801, is a white and blue in color single story residence in Beckley, WV. The house sits third from the end on Elkins St. (see Attachment A)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

210 Elkins St. Beckley, WV 25801, is a white and blue in color single story residence in Beckley, WV. The house sits third from the end on Elkins St. (see Attachment A)

located in the Southern District of West Virginia, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. Section 841(a)(1)	Possession with intent to distribute methamphetamine, heroin and cocaine.

The application is based on these facts:

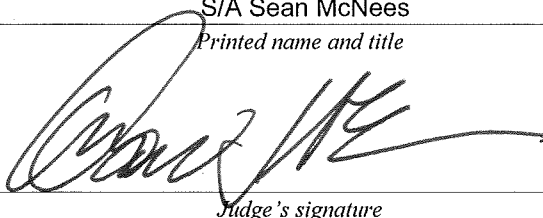
- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

S/A Sean McNees
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/15/2018


Judge's signature

City and state: Beckley, WV

Omar J. Aboulhosn, United States Magistrate Judge
Printed name and title

ATTACHMENT A



210 Elkins St, Beckley, WV 25801 is a white and blue in color single story residence in Beckley, WV. The house sits third from the end on Elkins Street. A large covered, white in color, front porch is attached to the front of the residence.

ATTACHMENT B

1. All Illegal controlled substances, including, but not necessarily limited to Methamphetamine, Heroin, Marijuana and prescription medicine.
2. Equipment, including, but not limited to, glassware and tubing, chemicals, including but not limited to, precursors, packaging of precursor ingredients, products and materials commonly used to manufacture methamphetamine.
3. Scales, packaging materials, and materials used to sell or distribute controlled substances.
4. Books, records, receipts, notes, ledgers, and other papers relating to the transportation, ordering, purchasing and distribution of methamphetamine and methamphetamine precursors.
5. Any and all United States currency, bank statements and related records, passbooks, money drafts, checks, money orders, safe deposit box keys, and any other items evidencing the obtaining, secreting, transfer, and/or concealment of assets and the obtaining, secreting, transfer, concealment, and/or expenditure of money.
6. Photographs, including still photos, negatives, video tapes, films, undeveloped film and the contents therein, slides, in particular photographs of co-conspirators, assets, and/or controlled substances, to wit: methamphetamine.
7. Address and/or telephone books, rolodex indices, electronic storage devices and any papers reflecting names, addresses, telephone numbers, pager numbers, fax numbers, and/or telex numbers of co-conspirators, sources of supply, customers, financial institutions, and other individuals or businesses with whom a financial relation exists.
8. Indicia of occupancy, residency, rental, and/or ownership of the premises described herein, including, but not limited to, utility and telephone bills, cancelled envelopes, rental, purchase, or lease agreements and keys.
9. Firearms and associated materials including, but not necessarily limited to, rifles, shotguns, semi-automatic rifles, pistols, revolvers, the frame or receiver of any such weapon, ammunition, clips/magazines, silencers, flash

suppressors, tools, manuals, storage cases, receipts and other proofs of ownership, tripods, scopes, sights, and all other like property.

A F F I D A V I T

STATE OF WEST VIRGINIA

COUNTY OF Raleigh, to-wit:

I, Sean McNees, being first duly sworn, do hereby depose and state as follows:

1. I am currently employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since January of 2016. I am assigned to ATF's Charleston, West Virginia, Field Office.
2. I have investigated cases involving firearms related offenses, arson, crimes of violence, crimes involving individuals conspiring to violate a multitude of criminal acts involving the use of firearms to perpetrate these criminal acts, the illegal sale, possession and use of firearms during the commission of these criminal acts, as well as the use, sale and possession of illegal controlled substances. I have dealt with possession of illegal firearms, and the trafficking of assorted controlled substances. I have purchased controlled substances utilizing cooperating individuals in controlled buy situations. I am familiar with the appearance, packaging, paraphernalia and distribution of Cocaine (HCL), Crack, Heroine, Marijuana, LSD,

Pharmaceuticals, Methamphetamines and other commonly used street drugs. I am also familiar with several tactics utilized by firearms traffickers, and illegal possessors of firearms to distribute, acquire, maintain and possess illegal firearms.

3. I graduated from a ten (10) week criminal investigator-training course at the Federal Law Enforcement Training Center, where the course of study dealt with basic criminal investigation techniques. In addition, I graduated from the twelve week (12) Bureau of Alcohol, Tobacco and Firearms (ATF) National Academy, where a portion of the course of study dealt with violations of federal firearms laws, federal explosives laws, bomb scene investigation and arson investigation.

4. This Affidavit is submitted in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing a search of 210 Elkins Street, Beckley, WV 25801, described more fully in Attachment A.

Probable Cause

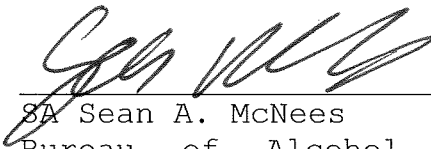
5. On May 15, 2018, members of the ATF Charleston Field Office and officers from the Beckley/Raleigh County Violent Crime and Drug Unit executed a Federal arrest warrant for Rudolph

BRISENO at 210 Elkins St, Beckley, WV 25801. Briseno was not home, but officers conducted a safety sweep and observed contraband in plain view throughout portions of the home including bedrooms, living rooms, basement, etc.; and the contraband included white powder substances, scales, baggies, needles, etc.

6. Based on my training, skills, and experience, I believe there is probable cause to believe that BRISONO is involved in the possession with intent to distribute and sale of methamphetamine, heroin and cocaine in violation of 21 U.S.C. 841(a)(1).

7. Based on my knowledge, training, and experience, the aforementioned information set forth in this Affidavit constitutes probable cause to believe that: Rudolph BRISENO knowingly possessed narcotics with intent to distribute inside his residence located at 210 Elkins St, Beckley, WV 25801. As further evidence of Briseno's intent to distribute, officers have previously made controlled buys of heroin from him out of this house within the last six months. Based on the information set forth in the affidavit, your affiant

hereby requests that a search and seizure warrant for the premises known as 210 Elkins St, Beckley, WV 25801, be issued. Further your affiant sayeth naught.



SA Sean A. McNees
Bureau of Alcohol, Tobacco,
Firearms and Explosives

Sworn to before me, and subscribed in my presence, this 15th day of May, 2018.



Omar J. Aboulhosn
United States Magistrate Judge